

## REMARKS

1. In response to the Office Action mailed October 17, 2006, Applicants respectfully request reconsideration. Claims 1-4, 9-14, 16-19 and 21-26 were last presented for examination. In the outstanding Office Action, all pending claims were rejected. By the foregoing Amendments, no claims have been canceled or added. Claim 17 has been amended. Thus, upon entry of this paper, claims 1-4, 9-14, 16-19 and 21-26 will be pending in this application. Of these twenty (20) claims, three (3) claims (claim 1, 14 and 17) are independent. Based on the above Amendments and following Remarks, Applicants respectfully request that all outstanding objections and rejections be reconsidered, and that they be withdrawn.

### *Art of Record*

2. Applicants acknowledge receipt of form PTO-892 identifying additional references made of record by the Examiner.

### *Objection to Specification*

3. The Office Action requested that Applicants appropriately correct the paragraph on page 7 of the specification and identify the application being incorporated by reference using application numbers. This application has now issued as US Patent No. 6,633,834, and Applicants have made the appropriate correction. No new matter is added. This is the first objection to the specification made over the course of the previous six communications. Applicants respectfully request that the Examiner make any and all rejections in a manner to permit Applicants to address such issues so that all issues are resolved before appeal.

### *Claim Rejections under Section 101*

4. Independent claim 17 and dependent claims 18, 19, 25 and 26 have been rejected under 35 U.S.C. § 101 as containing subject matter directed to non-statutory subject matter. The basis of this rejection is the Examiner's reading of the term "computer readable medium" to encompass all embodiments disclosed in Applicants' specification to include "tangible embodiments (e.g., CDROM) and intangible embodiments (e.g., signals)." (See,

Office Action, page 3). The preamble of claim 17 recited a “computer readable medium *on which is embedded a program.*” (See, Applicant’s claim 17, as originally filed; emphasis added). This claim language of claim 17 clearly refers to the tangible medium since the program is embedded thereon. Thus, claim 17 as it was originally filed included only the tangible medium. However, to further comply with the Examiner’s rejection, Applicants have amended claim 17 to include the same language from claim 14, which was not rejected, namely a “computer readable medium on which is stored a program.” (See, Applicant’s claim 17, above). Therefore, the amendments to claim 17 obviate the Section 101 rejection and claim 17 contains patent eligible subject matter.

5. Again, this is the first objection to the language in claim 17’s preamble made over the course of the previous six communications. Applicants respectively request that the Examiner make any and all rejections in a manner to permit Applicants to address such issues so that all issues are resolved before appeal.

#### ***Claim Rejections under Section 102***

6. Independent claims 1, 14 and 17 and dependent claims 2-4, 9-13, 16 and 18-19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Huffaker, *et al.*, “Otter: A General-Purpose network Visualization Tool,” June 3, 2000, ISOC Inet 99 (hereinafter “Huffaker”). Based on the following Remarks, Applicants respectfully request that these rejections be reconsidered, and that they be withdrawn.

7. The rejection under Section 102(b) is *prima facie* improper based on the publication date provided by the Examiner. It is the responsibility of the Examiner to determine the publication date of a prior art reference. (See, MPEP § 706.02(a)). The Examiner alleges that Huffaker was published on June 3, 2000. (See, Office Action, page 3). Applicants note that the Examiner used the Internet Wayback Machine (archive.org), which is an independent web crawling tool. Applicants filed the present application on May 3, 2001. Thus, Huffaker was not published more than one year prior to Applicant’s filing date and does not qualify as prior art under Section 102(b) based on the Examiner’s determination of the publication date. Therefore, Huffaker is not an available reference for Section 102(b) and thus this rejection must be withdrawn as being improper.

8. Even if Huffaker qualified as prior art under Section 102(b), Huffaker fails to teach all the claim limitations of independent claims 1, 14 and 17. Independent claim 1 recites “displaying on a display a plurality of filter criteria, wherein the plurality of filter criteria comprises a *selectable list of a plurality of status levels*.” (See, Applicants’ claim 1, above; emphasis added). Independent claims 14 and 17, as amended, also include similar claim features. The Examiner cited Figure 11 and page 3 of Huffaker for teaching this feature. (See, Office Action, page 3). However, Huffaker does not show a plurality of filter criteria comprising a selectable list of a plurality of status levels as claimed by claim 1. Instead nodes are displayed in Huffaker without displaying filter criteria of the status level. Figure 11 of Huffaker show a selection to color tunnels, and does not display a filter criteria as claimed by claim 1. Further, Huffaker colors the nodes, using 10-15 colors, according to status, attribute, *etc.*, to distinguish types of nodes. (See, Huffaker, Section “Coloring Graph by Data Attributes”). Multiple colors indicate that no filtering is performed in Huffaker, but instead the colors are used to distinguish different types of data. Therefore, Huffaker, even if qualified as prior art, fails to teach or suggest every limitation of claim 1 for at least this reason, and thus, claim 1, as well as claims 14 and 17, are patentable over Huffaker.

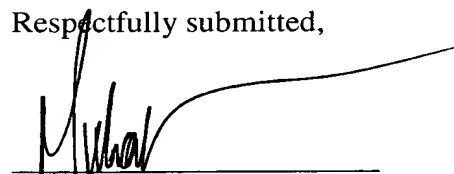
#### ***Dependent Claims***

9. The dependent claims incorporate all of the subject matter of their respective independent claims and add additional subject matter which makes them *a fortiori* independently patentable over the art of record. Accordingly, Applicant respectfully requests that the outstanding rejections of the dependent claims be reconsidered and withdrawn.

***Conclusion***

10. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael G. Verga', is written over a horizontal line. The signature is stylized with a large, sweeping 'M' and a long, horizontal stroke extending to the right.

Michael G. Verga  
Reg. No. 39,410

December 20, 2006